



JUL 19 2006

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**FACSIMILE MESSAGE**

Date: July 20, 2006  
To: Group Art Unit 2853  
Fax No.: 0011 1 571 273 8300  
Subject: United States Patent Application No. 10/534,803  
Inventors/Assignors: Kia Silverbrook and Angus John North  
Assignee: SILVERBROOK RESEARCH PTY LTD  
Our Ref: MJT012NPUS

Total Number of Pages (including this) : 4

Please find enclosed a reply to the Office Action dated July 10, 2006, of Examiner An H. Do.

Yours sincerely,

Kia Silverbrook

Angus John North

Encl.

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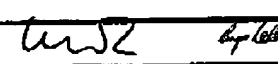
PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>	Application Number	10/534803	
	Filing Date	9 December 2003	
	First Named Inventor	Kia Silverbrook	
	Art Unit	2853	
	Examiner Name	An H Do	
(to be used for all correspondence after initial filing)		Attorney Docket Number	MJT012NPUS
Total Number of Pages in This Submission		4	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Email: kia.silverbrook@silverbrookresearch.com Telephone: 61-2-9818 6633 Facsimile : 61-2-9555 7762		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature		
Printed name	Kia Silverbrook and Angus John North	
Date	July 20, 2008	Reg. No.

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
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**In the United States Patent and Trademark Office**

Serial Number: 10/534,803  
Application Filed: May 13, 2005  
Applicant: Kia Silverbrook and Angus John North  
Application Title: Ink Jet Printhead with Conformally Coated Heater  
Examiner/GAU: An H. Do

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2853

Dated July 20

At: BALMAIN, NSW

Docket No. MJT012NPUS

**REPLY TO ELECTION/RESTRICTIONS**

Commissioner for Patents  
Washington, District of Columbia 20231

Dear Sir:

The Applicant thanks the Examiner for the Office Action dated July 10, 2006.

**Election/Restrictions**

In response to the election/restriction requirement, the Applicant elects Species A with traverse. Claims 1-59 as originally filed are generic and encompass the subject-matter of Species A.

The Applicant submits that the Election/Restriction requirement is improper. It appears that the Examiner has reviewed the Applicant's drawings and then somehow required election of those drawings that do not look similar. The Applicant reminds the Examiner that the Applicant's invention is defined by the claims, not by the drawings. The purpose of the drawings, in combination with the specification, is to provide the skilled person with instructions on how to work the invention defined by the claims.

In the present application, Figures 6-31, for example, explain how to fabricate the inkjet nozzle assembly shown in Figure 1. Individual MEMS steps are illustrated including a suitable photolithographic mask for each step. It is not clear to the Applicant how the illustration of individual MEMS processing steps, which were included merely to aid the skilled person in being able to repeat the invention, give rise to an Election/Restriction requirement. The Examiner has not provided any reasoning as to why he considers, for example, Species B to be a separate species. Which claims are supposed to read onto Species B? Similar comments apply to all other species identified by the Examiner.

In short, the Applicant submits that the Election/Restriction requirement is nonsensical because it does not even refer to any claims defining the Applicant's invention. Reference to drawings alone cannot form the basis of an Election/Restriction requirement.

Appln No. 10/534,803  
Amdt. Dated July 20, 2006  
Response to Office Action dated July 10, 2006

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Accordingly, cancellation of the Election/Restriction requirement is hereby requested.

Very respectfully,

Applicants:

  
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KIA SILVERBROOK

  
\_\_\_\_\_

C/o:

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